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| 10/762,044 | 01/21/2004 | Stephen J. Todd | E0295.70195US00 | 4481 |

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| EXAMINER | |
|---|---|
| LEROUX, ETIENNE PIERRE | |
| **ART UNIT** | **PAPER NUMBER** |
| 2161 | |

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| 12/31/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/762,044 | TODD ET AL. | |
| | Examiner | Art Unit | |
| | Etienne P. LeRoux | 2161 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *13 November 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-80* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-80* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 January 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

### *Prosecution Reopened*

In view of the Appeal Brief filed on 11/13/2007, PROSECUTION IS HEREBY REOPENED. New Grounds of rejection are set forth below.

### *Claim Status*

Claims 1-80 are pending. Claims 1-80 are rejected as detailed below.

### *Specification Objection*

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

(1) The manner of reducing the retention period by referring to information stored within or accessible to the CAS system of claim 3.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-80 are rejected under 35 U.S.C. 101 because the invention includes computer readable medium which is non-statutory. The claimed medium is not within a statutory class of invention, i.e., process, machine, manufacture and composition of matter. Paragraph 44 of the specification includes carrier waves. A carrier wave is a form of energy which is not covered by one of the four categories of invention and, therefore, the claim is non-statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical object and thus is not a machine or manufacture. Energy is not a combination of substances and, therefore, is not a composition of matter.

Furthermore, the claimed computer readable medium is non-statutory because carrier waves are electromagnetic signals which are transmitted without the need for physical substance/structure such as, for example, a bus structure in a microprocessor.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10, 14, 15, 17, 20-29, 33, 34, 36, 39-48, 52, 53, 55, 58-63, 65-70, 72-77, 79 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub No US 2004/0249871 (Bazoon), hereafter Bazoon in view of Pub No US 2004/0083347 (parson), hereafter Parson.

Regarding claim 1, 20, 39, 58, 65, 72, 79, 80, Bazoon discloses receiving, at the at least one storage system, a request from the at least one host to reduce a length of the retention period for the at least one unit of data [Bazoon; reduce storage period because document is no longer useful, para. 22]. Bazoon discloses the elements of the claimed invention as noted above but does not disclose a CAS system. Parson discloses a CAS system [Parson; para. 81]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bazoon to include a CAS system as taught by Parson for the purpose of providing a memory type that allows key-oriented information to be stored and quickly retrieved [Parson; para. 3]. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the disclosures of Bazoon and Parson because both Bazoon and Parson are concerned with the problem of minimizing the size of document repositories by deleting data [Bazoon; abstract, Parson, para. 81] such that (1) search results do not include irrelevant and distracting source documents [Bazoon; para. 6] and (2) cost is minimized because CAM is expensive [Parson; para. 4]. Arguably, the preamble language "retention period during which the at least one unit of data cannot be deleted" breathes life into claim 1. However, Bazoon discloses above limitation [para. 35, document removal process can be activated automatically each night to find and remove documents which have no remaining storage period]. Based on above disclosure by Bazoon, one of ordinary skill in the art would deduce that unless the storage period of a document has expired, the document cannot be deleted/removed.

Furthermore, the combination of Bazoon and Parson discloses the elements of the claimed invention as noted above but does not disclose receiving from the at least one CAS system a response indicating that the request was granted, i.e., to reduce a length of the retention

period for the at least one unit of data. However, Bazoon discloses in paragraph 36, that an interested party is notified when a document is going to be removed from the knowledge repository. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bazoon such that an interested party is notified when the length of the retention period is reduced because an interested party is interested in whether or not to retain a document in the knowledge repository [Bazoon, para. 39]

Regarding claim 2, 21, 40, 59, 60, 66, 67, 73, 74, the combination of Bazoon and Parson discloses the elements of the claimed invention as noted above and furthermore discloses wherein the request comprises an event command indicating the occurrence of an event [Bazoon; para. 23, date range can be shortened or lengthened]

Regarding claim 3, 22, 41, 61, 68, 75, the combination of Bazoon and Parson discloses the elements of the claimed invention as noted above and furthermore discloses wherein the event command does not specify the manner in which the retention period is to be reduced, and wherein the act (B) further comprises an act of determining the manner of reducing the retention period by referring to information stored within or accessible to the storage system [Bazoon; para. 39, interested party assigns a new storage period to the document]

Regarding claim 4, 23, 42, 62, 69, 76, the combination of Bazoon and Parson discloses the elements of the claimed invention as noted above and furthermore discloses wherein the request specifies that the retention period be reduced and the manner in which the length of the retention period is to be reduced [Bazoon; default storage period can be assigned by the system, para. 39]

Regarding claim 5, 24, 43, the combination of Bazoon and Parson discloses the elements of the claimed invention as noted above and furthermore discloses wherein the at least one storage system stores the previously-defined retention period within the unit of data, and wherein the act (B) further comprises replacing the unit of data with a new unit of data having the reduced retention period [Bazoon, para. 23, shortened data ranges]

Regarding claim 6, 25, 44, the combination of Bazoon and Parson discloses the elements of the claimed invention as noted above and furthermore discloses wherein the at least one storage system stores the previously-defined retention period in a record outside of the unit of data, and wherein the act (B) further comprises modifying the record to reduce the previously-defined retention period [Bazoon; default storage period can be assigned by the system, para. 39]

Regarding claim 7, 8, 9, 26, 27, 28, 45, 46, 47, 63, 70, 77, the combination of Bazoon and Parson discloses the elements of the claimed invention as noted above but does not disclose wherein the at least one storage system is a content addressable storage system that is responsive to access requests from the at least one host that reference a content address for the unit of data that is generated based on the content of the unit of data. Official Notice is taken that wherein the at least one storage system is a content addressable storage system that is responsive to access requests from the at least one host that reference a content address for the unit of data that is generated based on the content of the unit of data is well known and expected in the art because the Microsoft Computer Dictionary states that content addressed storage is a memory based storage method in which data items are accessed not on the basis of a fixed address or location but by analysis of their content.

Regarding claim 10, 29, 48, the combination of Bazoon and Parson discloses the elements of the claimed invention as noted above and furthermore discloses wherein the act (B) further comprises acts of: (B1) determining whether the previously-defined retention period for the unit of data is permitted to be reduced; and (B2) reducing the length of the previously-defined retention period only when the previously-defined retention period for the unit of data is permitted to be reduced [Bazoon: para. 39]

Regarding claim 14, 33, 52 the combination of Bazoon and Parson discloses the elements of the claimed invention as noted above and furthermore discloses wherein the act (B) further comprises an act of reducing the length of the previously-defined retention period to zero [Bazoon, para. 40].

Regarding claim 15, 34, 53, the combination of Bazoon and Parson discloses the elements of the claimed invention as noted above and furthermore discloses wherein the act (B) further comprises an act of deleting the unit of data [Bazoon; document is archived, para. 39]

Regarding claim 17, 36, 55, the combination of Bazoon and Parson discloses the elements of the claimed invention as noted above and furthermore discloses creating a new unit of data to replace the deleted unit of data, the new unit of data having a retention period shorter than the previously-defined retention period [system reduces storage period of the document, para. 22]

Claims 11, 12, 30, 31, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bazoon and Parson as applied to claim 10, 29 and 48 are

and further in view of Pub No US 2005/0076293 issued to Beresnevichiene (hereafter Beresnevichiene).

Regarding claim 11, 30, 49, the combination of Bazoon and Parson discloses the elements of the claimed invention as noted above but does not disclose wherein the act (B1) further comprises determining whether at least one of the unit of data and the previously-defined retention period is within a class designated as capable of having the retention period reduced. Beresnevichiene discloses wherein the act (B1) further comprises determining whether at least one of the unit of data and the previously-defined retention period is within a class designated as capable of having the retention period reduced [paragraph 7]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include wherein the act (B1) further comprises determining whether at least one of the unit of data and the previously-defined retention period is within a class designated as capable of having the retention period reduced as taught by Beresnevichiene for the purpose of deciding when to delete a particular type of document [paragraph 7].

Regarding claim 12, 31, 50, the combination of Bazoon and Parson discloses the elements of the claimed invention as noted above but does not disclose wherein the act (B1) further comprises determining whether at least one of the unit of data and the previously-defined retention period is within the class designated as capable of having the retention period reduced by examining the previously-defined retention period [Beresnevichiene, paragraph 7]

Claims 13, 32 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bazoon, Parson and Beresnevichiene as applied to claim 11, 30 and 49 and further in view of US Pat No 6,690,774 issued to Chang et al (hereafter Chang).

Regarding claim 13, 32, 51, the combination of Bazoon, Parson and Beresnevichiene discloses the elements of the claimed invention as noted above but does not disclose wherein the act (B1) further comprises determining whether at least one of the unit of data and the previously-defined retention period is within the class designated as capable of having the retention period reduced by examining a flag associated with the unit of data. Chang discloses wherein the act (B1) further comprises determining whether at least one of the unit of data and the previously-defined retention period is within the class designated as capable of having the retention period reduced by examining a flag associated with the unit of data [col 10, lines 20-30]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include wherein the act (B1) further comprises determining whether at least one of the unit of data and the previously-defined retention period is within the class designated as capable of having the retention period reduced by examining a flag associated with the unit of data as taught by Chang for the purpose of deciding whether to keep the voicemail record [col 10, lines 25-30].

Claims 16, 18, 19, 35, 37, 38, 54, 56, 57, 64, 71 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bazoon and Parson as applied to claim 15, 34, 53, 58, 65, 72 and further in view of US Pat No 6,542,895 issued to DeKimpe et al (hereafter DeKimpe).

Regarding claim 16, 35, 54, the combination of Bazoon and Parson discloses the elements of the claimed invention as noted above but does not disclose creating an audit log entry that records information about the deletion of the unit of data. DeKimpe discloses creating an audit log entry that records information about the deletion of the unit of data [col 2, lines 45-60]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include creating an audit log entry that records information about the deletion of the unit of data as taught by DeKimpe for the purpose of creating a record of changes to the database [col 2, lines 45-50].

Regarding claim 18, 37, 56, the combination of Bazoon, Parson and DeKimpe discloses the elements of the claimed invention as noted above and furthermore discloses an act of maintaining on at least one CAS system at least one record for the unit of data, the at least one record storing a history of the reduction of the previously defined retention period [history record is the same as audit record, DeKimpe, col 2, lines 45-60]

Regarding claim 19, 38, 57, 64, 71, 78, the combination of Bazoon, Parson and DeKimpe discloses the elements of the claimed invention as noted above and furthermore discloses receiving at the at least one CAS system a request from the at least one host to restore the retention period to the length of the previously defined retention period for the at least one unit of data and restoring the retention period to the length of the previously defined retention period in response to the request [Bazoon, keeping the storage period the same as it was before, para. 22]

***Response to Arguments***

Applicant's arguments filed in appeal Brief of 11/13/2007, have been fully considered but are moot based on above new grounds of rejection.

***Conclusion***

In view of the Appeal Brief filed on 11/13/2007, PROSECUTION IS HEREBY REOPENED. New Grounds of rejection are set forth as above.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

APU MOFIZ
SUPERVISORY PATENT EXAMINER

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on Monday-Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Etienne LeRoux

12/20/2007

APU MOFIZ
SUPERVISORY PATENT EXAMINER